

REMARKS

Upon entry of the present amendment, claims 1-20 remain in the application. Of these, claims 1, 11, and 20 independent.

Claims 7 and 12 have been amended to overcome a few informalities identified therein. Claims 1, 11 and 20 have each been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully submits that all the amendments are supported by the original application, and that no new matter has been introduced thereby.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. It is contended that by the present amendment and arguments, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claim Objections

In the Office Action, the Examiner objected to claims 7 and 12, taking the position that in her view, the phrase "said intake chamber" should be changed to "said intake plenum."

Applicant has amended claims 7 and 12 in response to the Examiner's objections. Applicant respectfully submits that claims 7 and 12 are now in full compliance with 35 USC 112. Applicant therefore requests reconsideration and withdrawal of the Examiner's objection to claims 7 and 12.

Claim Rejections – Section 102 Issues

On page 2 of the Office Action, the Examiner rejected claims 1, 2, 8, 9, and 20 under 35 USC 102(b) as anticipated by Glovatsky et al., US Pat. No. 6,186,106.

Applicant disagrees with, and traverses this ground of rejection.

Furthermore, Claim 1 has been amended to specify that the plurality of electric parts surrounding the plenum include a plurality of fuel injectors and a plurality of ignition coils, and

to further specify that the shield cover is provided in a size and shape sufficient to protectively cover all of said fuel injectors and ignition coils.

Claim 2, 8, and 9 depend from claim 1 and therefore incorporate all changes made to claim 1.

Claim 20 has also been amended herein, to specify that the shield cover substantially covers the intake plenum, and is provided in a sufficient width as to substantially entirely cover the cylinder bores. Applicant respectfully submits that these changes to the claims overcome the Examiner's rejection based on Glovatsky et al., and applicant requests reconsideration and withdrawal of such rejection.

On page 4 of the Office Action, the Examiner rejected claim 10 under 35 USC 102(b) as anticipated by Glovatsky et al. The Examiner indicated that the Glovatsky reference did not disclose an air cleaner. Applicant respectfully submits that claim 10 is not anticipated by the Glovatsky reference and respectfully requests reconsideration and withdrawal of this rejection. Furthermore, claim 10 depends from claim 1 and therefore incorporates any and all changes made to claim 1.

As amended, claims 1, 2, 8, 9, 10, and 20 overcome the rejection under 35 USC 102(b). Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claim Rejections – Section 103 Issues

On page 3 of the Office Action, the Examiner rejected claims 3-5 under 35 USC 103(a) as unpatentable over Glovatsky et al in view of Uchida, US Pat. No. 5,630,386.

Upon careful consideration applicant respectfully traverses such rejections, and submits that in light of the current amendments claims 3-5 are patentable over Glovatsky and Uchida.

As a threshold matter, it should be noted that the Federal Circuit has said that it is

impermissible to use the claims as a frame, and the reference as a mosaic, to pick and choose selected pieces, out of context, to reconstruct the invention, and that the use of hindsight in evaluating patentability is improper.

Applicant has amended claim 1 in order to more particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3-5 depend from claim 1 and therefore incorporate all of the changes made thereto.

The device in Glovatsky includes a cover for an engine of which covers only the plenum. Applicant respectfully suggests that the claimed invention, as amended, distinguishes over the teachings of Glovatsky and Uchida, in that it includes a shield cover which covers all of the fuel injectors and ignition coils, as well as the plenum. Furthermore, there is no suggestion in the Glovatsky reference of the possibility of extending the cover in this manner.

On page 3 of the Office Action, the Examiner rejected claim 6 under 35 USC 103(a) as unpatentable over Glovatsky et al in view of Uchida, and further in view of Brackett, US Pat. No. 5,560,327.

Applicant has amended claim 1, from which claim 6 depends. Claim 6 therefore incorporates the changes made to claim 1. Applicant has also amended claim 6 herein to specify that the shield is configured to substantially cover the cylinder bores.

As amended, claim 6 patentably distinguishes over the cited references. Applicant therefore requests reconsideration and withdrawal of this ground of rejection.

Furthermore, applicant respectfully submits that in the engine according to the claimed invention, most of the electrical parts surrounding the intake manifold are electrically shielded. In contrast, the Uchida reference primarily provides an induction system for an engine, and the Brackett reference primarily provides an engine having a conjunctive drive motor translator. Additionally, there are no suggestions or disclosure in either the Uchida or Brackett reference for

providing a shield for electrical parts, as claimed by applicant.

Accordingly, applicant respectfully traverses the rejection of claim 6, and requests reconsideration and withdrawal of such rejection.

On page 4 of the Office Action, the Examiner rejected claim 7 as unpatentable over Glovatsky et al in view of Croft et al, US Pat. No. 3,814,069.

Claim 7 depends from claim 1 which has been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention.

After careful consideration, applicant respectfully traverses such rejection, and submits that in light of the current amendments, claim 7 patentably distinguishes over the teachings of Glovatsky et al. and Croft et al.

Also on page 4 of the Office Action, the Examiner rejected claim 10 as unpatentable over Glovatsky. Applicant respectfully submits that claim 10 depends from claim 1 and therefore incorporates the changes made to claim 1.

Applicant respectfully submits that claim 10 is non-obvious, under the standard set out in 35 USC 103(a), and is patentable over Glovatsky. Applicant respectfully requests reconsideration and withdrawal of the Examiner's rejection of claim 10 as unpatentable over Glovatsky.

On pages 4-5 of the Office Action, the Examiner rejected claims 11, 13, and 17-19 under 35 USC 103(a) as unpatentable over Glovatsky et al. in view of Brackett.

Upon careful consideration applicant respectfully traverses such rejections, and submits that claims 11, 13, and 17-19 are patentable over Glovatsky et al. and Brackett.

Claim 11 has been amended in order to more particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 11 has been

amended to specify that the shield cover includes a metallic plate, and that the engine includes a ground connector electrically connecting the shield cover to said engine body. Claim 11 has also been amended to specify that the plurality of electric parts surrounding the plenum include a plurality of fuel injectors and a plurality of ignition coils, and to further specify that the shield cover is provided in a size and shape sufficient to protectively cover all of said fuel injectors and ignition coils.

Claims 13 and 17-19 depend from claim 11, and therefore incorporate the changes to claim 11.

Applicant respectfully requests reconsideration and withdrawal of the rejection of record, in view of the current amendments.

On page 5 of the Office Action, the Examiner rejected claim 12 under 35 USC 103(a) as unpatentable over Glovatsky et al. in view of Brackett, and further in view of Croft et al.

Claim 12 depends from claim 11, and therefore incorporates the amendments thereto.

Applicant respectfully submits that, as amended, claim 12 is patentable over Glovatsky et al., Brackett, and Croft et al. Applicant respectfully requests reconsideration and withdrawal of the Examiner's rejection of claim 12.

On page 6 of the Office Action, the Examiner rejected claims 14-16 as unpatentable over Glovatsky et al. in view of Brackett, and further in view of Uchida.

Brackett and Uchida disclose no reason to believe that the runners disclosed therein would benefit from a protective cover of the sort claimed by applicant, nor does either reference suggest such a combination.

Upon careful consideration applicant respectfully traverses such rejections, and submits that claims 14-16 are patentable over Glovatsky et al. and Brackett.

Moreover, applicant respectfully submits that the claimed engine, including the shield, provides unobvious advantages over conventional engines having other non-applicable features, such as the Brackett, Uchida and Croft references disclose.

Based on the foregoing, applicant respectfully traverses the rejections of claims 3-7, 10-19 under 35 USC § 103(a), and it is respectfully requested that such rejections be reconsidered and withdrawn.

CONCLUSION

In conclusion, applicant has overcome the Examiner's objections and rejections of record. Applicant respectfully submits that the engine including an interference shield as defined by the present claims is believed to be allowable over all of the prior art of record, considered either individually or in any reasonable combination thereof. No new matter is being added by the present amendment.

Favorable consideration is respectfully requested.

Respectfully submitted,

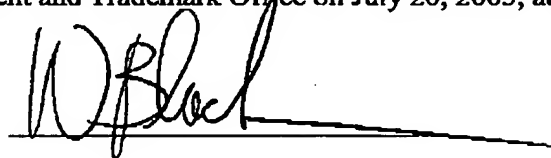


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